

CHAPTER 18

GENERAL PROVISIONS

Sec. 18-1. Additional Use Requirements.

- (1) Dwellings and apartments erected or altered on a lot in a district other than the district in which such building or structure for dwelling or apartment purposes is first permitted by this Ordinance, shall be subject to the regulations that are specified by this Ordinance for the district in which such building is first permitted. This shall not be interpreted to include R-S and the R-13 and R-11 Residential District area regulations.
- (2) In any residence district, no building having a curved metal roof or side walls shall be constructed, moved, or altered within two hundred (200) feet of any lot or property line. This provision shall not be interpreted to exclude non-demountable, prefabricated buildings designed primarily for residential purposes.

Sec. 18-2. Repealed 8/10/88.

Sec. 18-3. Major Recreational Equipment, Parking and Storage Requirements.

The parking or storage of major recreational equipment including, but not limited to, travel trailers, utility trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, amphibious houseboats, or similar equipment normally used for recreational purposes shall be permitted as an accessory use in all residential districts, subject, however, to the following regulations and requirements.

- (1) Such major recreational equipment shall not exceed
twenty eight (28) feet in length, eight (8) feet in width, and ten (10) feet in height, exclusive of masts, antennas, ventstacks, windshields, or other accessories.
- (2) Such major recreational equipment shall not be

used for living, sleeping, housekeeping, or business purposes, nor shall such major recreational equipment be connected to any utility service, except for temporary periods solely for replenishing supplies, or for the servicing or repair of equipment.

- (3) Such major recreational equipment shall not be parked or stored in a manner which infringes upon the setback requirements for accessory buildings in the residential district in which the lot is located.
- (4) Such major recreational equipment shall not be parked or stored in the front yard in any residential district, except that:
 - (a) such major recreational equipment may be parked in such front yard for a period not to exceed forty eight (48) hours, for the sole purpose of loading or unloading;
 - (b) in the event such major recreational equipment cannot physically be placed within an enclosed garage, or cannot physically be placed in the side or rear yard of a residence without encroaching upon the lands of another, without violating the setback requirements for accessory buildings in the residential district, or without damage to structures or trees, then one such major recreational equipment, or a combination thereof designed to be used and operated as one unit, may be parked or stored on an improved driveway at a point furthestmost from the public street right-of-way, not resulting in physical damage to structures or trees;
 - (c) a camper or coach, when loaded upon and entirely supported by, or when structurally a part of, a pickup truck or motor vehicle not exceeding the rated weight of three-fourths ($3/4$) ton which is in operative condition, shall be deemed a part of the motor vehicle and not major recreational equipment, so long as such camper or coach

is entirely supported by, or remains structurally a part of, such pickup truck or motor vehicle.

Nothing contained in this section shall be construed to prohibit commercial trailers from loading and unloading in a residential district, nor to prohibit the temporary use of a trailer, on site, by a contractor, while construction is in progress.

Sec. 18-4. Commercial Vehicle Parking in Residential Districts.

- (1) The parking of commercial vehicles on a lot or any adjacent street in any residential district is prohibited, except under the following provisions:
 - (a) One (1) commercial vehicle, not exceeding a height of six feet, four inches (6'4"), nor a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, of eleven feet, six inches (11'6"), may be parked on a residential lot or adjacent street, provided said lot is occupied by the person responsible for operating the vehicle.
 - (b) One (1) commercial vehicle, not exceeding a height of six feet, four inches (6'4"), with a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, between eleven feet, six inches (11'6") and fifteen feet, seven inches (15'7"), may be parked on a residential lot, provided it is kept in a garage or behind the rearmost portion of the building on the lot, and further provided said lot is occupied by the person responsible for operating the vehicle.
 - (c) In no case shall a commercial vehicle with a height exceeding six feet, four inches (6'4") or a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached

equipment, exceeding fifteen feet, seven inches (15'7") be permitted to park in any residential property or adjacent street.

- (d) In no case shall more than one (1) commercial vehicle be parked on any residential lot or adjacent street, except that one (1) specifically exempted commercial vehicle may also be parked on the same lot or adjacent street.
- (2) The parking of school and church buses shall be permitted on any property under the control of the school or church owning the bus, regardless of the zoning of such property.
- (3) The parking of commercial vehicles, except for specifically exempted vehicles, in multi-family developments shall require the permission of the management and/or homeowners' association, and shall not occur in parking spaces required by Chapter 19 of this ordinance. Such parking shall be limited to those vehicles permitted in (1)(a) above. (10/24/90)

Sec. 18-5. Land Not Zoned.

Any area, other than that dedicated for public streets or alleys, shown on the Zoning District Map or Zoning District Sectional Maps as not being classified in any district, for all intents and purposes of this Ordinance, shall be classified as R-13 One Family Residence District. This regulation shall include all sub-marginal land and water areas within the city limits.

Sec. 18-6. Prohibition Against Commercial Trailers.

No trailer or trailer coach shall be used anywhere in the city as an office or for commercial purposes, except as provided for in Paragraph 400.5(g) of the Building Code.

Sec. 18-7. Application of Height Limitations.

The height limitations of this Ordinance, except as provided in the Aircraft Approach District (A-A), shall not apply to any penthouse or roof structure for the use of elevators, stairways, tanks, ventilating fans, or

similar equipment required to operate and maintain the building, nor shall it apply to church spires, belfries, cupolas, domes, monuments, water towers, fire and parapet walls, skylights, steeples, flag poles, chimneys, smoke stacks, poles and utility towers, silos, or similar structures which may be erected above the height limit, provided that no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space. The foregoing provisions shall not be interpreted to permit a fire or parapet wall to extend more than four (4) feet above the roof.

Sec. 18-8. Vision Clearance of Corner Lots.

On any corner lot there shall be no planting, structure, fences, shrubbery, or obstruction from vision more than three (3) feet higher than the curb level, within twenty (20) feet of the intersection of any two (2) curb lines.

Sec. 18-9. Fence and Wall Regulations.

In any residential district, a fence, screen, or wall, or a hedge or thick growth of shrubs or trees may be located and maintained in required yards provided that the height of any such permitted feature not exceed six (6) feet in side or rear yards, and four (4) feet in front yards, or such lesser height as may be prescribed by law. This provision shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site, or landscape features such as trees, shrubs, flowers, or plants, provided they do not produce a hedge effect contrary to the provisions of Section 18-8 above. The use of electrified fences is prohibited except in connection with farming or dairy operations.

Sec. 18-10. Gasoline Dispensing.

In any commercial or manufacturing district, no gasoline pumps or islands for same shall be erected closer than twelve (12) feet to any front or side yard as required by this Ordinance. All gasoline supply stations and other places where gasoline is dispensed for public consumption shall erect a safety curb on the building line, exclusive of driveway entrances, at least seven (7)

inches in height, and six (6) inches in width, and all such curbs shall be of masonry construction.

Sec. 18-11. Corner Lots Resubdivided.

Corner lots that are hereafter resubdivided shall conform to the front yard requirements on the street which they originally fronted, in addition to the front yard requirements on the street which they face after resubdivision.

Sec. 18-12. Lots of Unusual Depth.

Where a lot is of a sufficient size to permit the erection of more than one (1) building in conformity with all area requirements of the district in which it is located, there may be permitted on the remaining portion of such lot an additional building for residential purposes which does not abut upon a street, provided an easement or right-of-way of twenty (20) feet or more in width is provided to permit ingress and egress thereto.

Sec. 18-13. Lot Area Requirement for Motel or Tourist Court.

A motel, or tourist court, where permitted under the provisions of this Ordinance, shall provide a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit, located on the ground floor and four hundred (400) square feet of lot area for each unit located above the ground floor.

Sec. 18-14. Semi-detached Dwellings and Side Yards.

For the purpose of side yard regulations, semi-detached dwellings shall be considered as one (1) building occupying one (1) lot.

Sec. 18-15. Irregular Front Yard Lines in Residential Districts.

- (1) Where a uniform front yard line between two (2) intersecting streets does not exist, then the required front yard line shall be established by

projecting a line between the two (2) nearest buildings on each side of the proposed building, and the proposed building shall not project beyond said line; provided, however, that the nearest existing building shall be situated on lots located not further than one hundred fifty (150) feet from the proposed building line.

- (2) Where a lot is of such shape and size that its established building setback line forms an arc, then the minimum lot width may be measured along the chord of such arc and the building may be located at the setback point represented by the chord. Building setback lines greater than thirty (30) feet may be established, provided that the minimum lot width is maintained at the building setback line and all other requirements of the Zoning Ordinance are complied with. No building shall be located closer to the street than the established building setback line unless the required minimum lot width is maintained.

Sec. 18-15.1. Location of Building Line.

On lots for which the then-existing Comprehensive Plan proposes a wider right-of-way for an abutting street than exists at the time, the following modifications to the building line location shall apply:

- (1) Where a yard or setback requirement exists, that requirement shall be measured from the proposed right-of-way line rather than the then-existing lot line.
- (2) Where there is no yard or setback requirement, the building line shall not be located nearer to the existing lot line than the proposed right-of-way line.

Sec. 18-16. Projections Allowed in Yards and Courts.

- (1) Cornices, eaves, belt course, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard

not more than eighteen (18) inches for each five (5) feet of width of such side yard, but not over three (3) feet in any case, nor nearer than three (3) feet to any side lot line, and may extend or project into a required front or rear yard not more than thirty six (36) inches. (Chimneys may project into a required front, side, or rear yard not more than eighteen (18) inches, provided the width of any side yard is not reduced to less than three (3) feet on one side and eight (8) feet on the other.)

- (2) Exterior stairways, when approved, shall be located at the rear of all buildings or structures, unless lawfully required to be located otherwise for use as a fire escape.
- (3) Any enclosed porch including screen porches, shall be considered as part of the main building.
- (4) Terraces, platforms, or landing places which do not extend above the level of the first floor of the building may extend or project into any front, side, rear yard or court not more than eight (8) feet, provided they do not encroach to within three (3) feet of the side lot line.
- (5) No porch covered by a roof shall project into any required front yard. Minor entrance porches shall be permitted to project into any front yard provided they do not project more than four (4) feet and be over six (6) feet in width.

Sec. 18-17. Repealed 8/10/88.

Sec. 18-18. Additional Restriction on Accessory Buildings.

- (1) Location.

In any R, MD or C-1 District, an accessory building not exceeding one and one-half (1 1/2) stories, or sixteen (16) feet in height may be permitted in any rear yard within five (5) feet of the rear lot line.

(2) Corner lots.

No accessory building on any corner lot shall be erected nearer to the street than the requirements herein contained for side yards of corner lots, except an accessory building erected on a corner lot which abuts any interior lot on the side street, then the setback requirements shall not be less than the front yard requirements of the main buildings on the interior lots. Where the rear of any corner lot abuts any interior lot facing on a street which is a side line with reference to said corner lot, accessory buildings shall not be erected nearer than five (5) feet to the rear line of that corner lot.

(3) Located in side yard.

attached An accessory building, carport, or garage to or located on the side of any dwelling shall be considered as a part of the dwelling, not an accessory building, and all side yard requirements as specified in this Ordinance shall be provided.

(4) Servant quarters in accessory buildings.

Unless otherwise set forth in the specified district, servant quarters in accessory buildings in any district shall conform to the lot area requirements as specified in Chapters 3 and 5.

(5) Guest house or servant quarters in accessory buildings.

Any accessory building used as a guest house or servant quarters shall be located not less than fifteen (15) feet from any side or rear lot line.

(6) Accessory buildings, increased height.

Accessory buildings erected or altered in any R,

MD or C-1 District may be constructed to a height of twenty five (25) feet, provided they are not within fifteen (15) feet of any side or rear lot line, occupy not more than twenty percent (20%) of the rear yard area, are erected not closer than fifteen (15) feet to the principal building, and in no case shall they have any exterior stairways.

- (7) In any R or MD district, through lots or waterfront lots shall have a building setback on each street or waterfront as required for front yards. This shall not be interpreted to restrict the location of private piers, docks, or small summer houses on the waterfront side of such a lot, provided that summer houses shall not contain a housekeeping unit.

Sec. 18-19. Lighting of Parking and Other Areas and Signs.

When provided, lighting of parking areas or business, residential, or manufacturing or storage areas or structures, and of signs, billboards or poster panels, shall be so designed and arranged as to reflect all light away from all public ways or streets and shall not cause annoying glare.

Sec. 18-20. Deleted 7/9/97.

Sec. 18-21. Outdoor Material Storage.

Where permitted, outdoor material storage areas shall be subject to the following setback and landscaping requirements:

- (1) Storage areas shall be set back a minimum of twenty (20) feet from any existing or proposed public rights-of-way, and twenty (20) feet from any property line that abuts a residential, commercial, or special public interest district.

Notwithstanding the provisions of Section 21-2 hereof, any business utilizing outdoor material storage on December 14, 1988, shall be permitted to expand such storage area on property owned by said business on December 14, 1988, without

conforming to the above setbacks, so long as the storage area does not violate the green area requirements of the Site Plan Ordinance. In the case where the expansion abuts a residential, commercial, or special public interest zone, a twenty (20) foot setback shall be required.

- (2) Any fence enclosing a storage area shall not violate the required setback.
- (3) Storage area setbacks shall be landscaped with shrubs that are two (2) feet high at installation, located five (5) feet apart, and with trees that are eight (8) feet high, one and one-half (1 1/2) inch caliper, located forty (40) feet apart. Alternative landscaping that results in the same screening effect may be substituted, upon approval by the Planning Director.

Notwithstanding the provisions of Section 21-1 hereof, businesses utilizing outdoor material storage on December 14, 1988, shall be permitted to expand their storage area on property owned by said business on December 14, 1988, without conforming to the above landscaping requirements, so long as the landscaping requirements of the Site Plan Ordinance are met. In the case where the expansion abuts a residential, commercial, or special public interest zone, the required setback shall be landscaped with two (2) foot shrubs, located five (5) feet apart, and eight foot, one and one-half inch (8' 1-1/2") caliper trees, located forty (40) feet apart, or alternative landscaping approved by the Planning Director, as stated above.

Sec. 18-22. Substandard Lots.

Substandard lots may be developed for residential use under the following conditions:

- (1) If a substandard lot of record has, since January 12, 1989, continuously been in separate ownership from any contiguous lot or property on the same existing or proposed public right-of-

way, the substandard lot may be developed so long as all other development criteria are met. Before a building permit will be issued, the owner of the substandard lot shall provide to the Zoning Administrator written certification under oath that the substandard lot to be developed has, since January 12, 1989, never been in common ownership with any contiguous lot or property on the same existing or proposed public right-of-way.

- (2) If a substandard lot of record has, at any time since January 12, 1989, been in common ownership with any contiguous lot or lots on the same existing or proposed public right-of-way, such lots shall be combined or merged. If all of the contiguous lots in common ownership are merged and the resulting lot is still substandard, it may be developed so long as all other development criteria are met. If all of the contiguous lots in common ownership are merged and the resulting property is of sufficient area and frontage to meet the requirements of more than one lot, the property may be developed as more than one lot, provided that each of the combined or merged lots meet at least eighty percent (80%) of the minimum frontage and area requirements of the zoning district in which the property is located, and so long as all other development criteria are met. Before a building permit will be issued, the owner shall provide written certification to the Zoning Administrator under oath of the title history of the lot, describing any common ownership which has occurred at any time since January 12, 1989.